



Docket No. 81923/8143

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Applicant : O'NEILL, et al.

Appl. No. : 10/612,297

Filed : July 1, 2003

Title : FLUORESCENT DYES, ENERGY
TRANSFER COUPLES AND
METHODS

TC/A.U. : 1626

Examiner : Taofiq A. Solola

Customer No. : 22242

Conf. No. : 3184

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David M. Allen

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
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Alexandria, VA 22313-1450

Dear Sir:

Applicant submits the references listed on the attached forms PTO/SB/08A and PTO/SB/08B, copies of the articles listed are enclosed.

In accordance with the duty of disclosure imposed by 37 CFR § 1.56 to inform the Patent Office of all patents, publications, applications and other information known by Applicants or Applicants' representative that may be material to the examination of the subject application, Applicants' representative hereby provides this Information Disclosure Statement that is prepared in accordance with 37 CFR §§ 1.97-1.98 and includes Form PTO-1449 with two (2) references listed as items AA and AB.

It is requested that the information provided herein be made of record in this application.

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Please charge any additional fees, or credit overpayment to Deposit Account No. 06-1135.

Respectfully submitted,

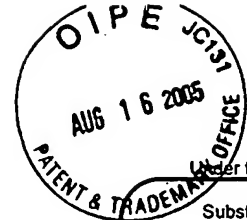
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Date: 8/11, 2005

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PTO/SB/08A (07-05)

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Complete if Known

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Art Unit	1626
Examiner Name	Taofiq A. Solola
Attorney Docket Number	81923 / 8143

Sheet 1 of

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1	US- 5,106,990	04/21/1992	Ohno, et al.	
	2	US- 5,268,486	12/07/1993	Waggoner, et al.	
	3	US- 5,486,616	01/23/1996	Waggoner, et al.	
	4	US- 5,569,766	10/29/1996	Waggoner, et al.	
	5	US- 5,539,082	07/23/1996	Nielsen, et al.	
	6	US- 5,714,386	02/03/1998	Roederer	
	7	US- 6,403,378 B1	06/11/2002	Phi-Wilson, et al.	
	8	US- 6,716,994 B1	04/06/2004	Menchen, et al.	
	9	US- 6,747,159 B2	06/08/2004	Caputo, et al.	
	10	US- 6,821,708 B2	11/23/2004	Liao, et al.	
	11	US- 2003/0068577 A1	04/10/2003	Liao, et al.	
	12	US- 6,140,494	10/31/2000	Hamilton, et al.	
	13	US- 6,248,904	06/19/2001	Zhang, et al.	
	14	US- 6,342,611	01/29/2002	Weber, et al.	
	15	US- 6,838,289	01/04/2005	Bell, et al.	
	16	US- 6,734,310	05/11/2004	Reiner, et al.	
	17	US- 6,723,509	04/20/2004	Ach	
	18	US- 6,706,879	03/15/2004	Anderson, et al.	
	19	US- 6,673,943	01/06/2004	Waggoner, et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	20	WO 00/17650 A1	03/30/2000	Molecular Probes Inc.		

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Sheet 2 of

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	21	LANDSDORP, et al.; "Single Laser Three Color Immunofluorescence Staining Procedures Based on Energy Transfer Between Phycoerythrin and Cyanine 5"; Cytometry 12:723-730 (1991)	
	22	MUJUMDAR, et al.; "Cyanine Dye Labeling Reagents: Sulfoindocyanine Succinimidyl Esters"; Bioconjugate Chem., Vol. 4, No. 2, 1993; American Chemical Society	

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Sheet **3** of**U. S. PATENT DOCUMENTS**

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		Number-Kind Code ² (if known)			
	23	US- 6,545,164	04/08/2003	Waggoner, et al.	
	24	US- 6,540,977	04/01/2003	van de Winkel	
	25	US- 6,479,303	11/12/2002	Waggoner, et al.	
	26	US- 6,437,141	08/20/2002	Randell, et al.	
	27	US- 6,426,190	07/30/2002	Minden, et al.	
	28	US- 6,423,505	07/23/2002	Davis	
	29	US- 6,403,807	06/11/2002	Singh, et al.	
	30	US- 6,399,392	06/04/2002	Haugland	
	31	US- 6,397,150	05/28/2002	Izmailov	
	32	US- 6,383,749	05/07/2002	Bochkariov, et al.	
	33	US- 6,376,202	04/23/2002	Davis	
	34	US- 6,329,144	12/11/2001	Kubista, et al.	
	35	US- 6,299,839	10/08/2001	Karunaratne, et al.	
	36	US- 6,294,667	09/25/2001	Jackson, et al.	
	37	US- 6,224,644	05/01/2001	Randall, et al.	
	38	US- 6,207,464	03/27/2001	Karandikar, et al.	
	39	US- 6,207,421	03/27/2001	Middendorf, et al.	
	40	US- 6,201,112	03/13/2001	Ach	
	41	US- 6,200,766	03/13/2001	Davis	

FOREIGN PATENT DOCUMENTS

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		Number-Kind Code ² (if known)			
	42	US- 6,197,956	03/06/2001	Randall, et al.	
	43	US- 6,146,837	11/14/2000	van de Winkel	
	44	US- 6,143,151	11/07/2000	Middendorf	
	45	US- 6,136,612	10/24/2000	Della Ciana, et al.	
	46	US- 6,130,101	10/10/2000	Mao, et al.	
	47	US- 6,130,094	10/10/2000	Waggoner, et al.	
	48	US- 6,127,134	10/03/2000	Minden, et al.	
	49	US- 6,120,987	09/19/2000	Aspe	
	50	US- 6,114,350	09/05/2000	Randall, et al.	
	51	US- 6,110,630	08/29/2000	Reddy, et al.	
	52	US- 6,086,737	07/01/2000	Patonay, et al.	
	53	US- 6,043,025	03/28/2000	Minden, et al.	
	54	US- 6,027,709	02/22/2000	Little, et al.	
	55	US- 6,014,213	01/11/2000	Waterhouse, et al.	
	56	US- 6,013,802	01/11/2000	Hoyland, et al.	
	57	US- 6,008,373	12/28/1999	Waggoner, et al.	
	58	US- 6,005,663	12/21/1999	Waterhouse, et al.	
	59	US- 6,004,536	12/21/1999	Leung, et al.	
	60	US- 6,004,446	12/21/1999	Middendorf, et al.	

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	61	US- 5,986,086	11/16/1999	Brush, et al.	
	62	US- 5,981,747	11/09/1999	Mujumdar, et al.	
	63	US- 5,935,522	08/10/1999	Swerdlow, et al.	
	64	US- 5,877,310	03/02/1999	Reddington, et al.	
	65	US- 5,863,403	01/26/1999	Middendorf, et al.	
	66	US- 5,852,191	12/22/1998	Karandikar, et al.	
	67	US- 5,821,066	10/13/1998	Pyle, et al.	
	68	US- 5,808,044	09/15/1998	Brush, et al.	
	69	US- 5,804,448	09/08/1998	Wang, et al.	
	70	US- 5,800,995	09/01/1998	Patoney, et al.	
	71	US- 5,783,673	07/21/1998	Gupta	
	72	US- 5,767,287	06/16/1998	Bobrow, et al.	
	73	US- 5,755,943	05/26/1998	Middendorf, et al.	
	74	US- 5,723,218	03/03/1998	Haugland, et al.	
	75	US- 5,719,027	02/17/1998	Miyazaki, et al.	
	76	US- 5,710,628	01/20/1998	Waterhouse, et al.	
	77	US- 5,688,966	11/18/1997	Bobrow, et al.	
	78	US- 5,679,516	10/21/1997	Okamoto, et al.	
	79	US- 5,660,334 5,650,334	07/22/1997	Zuk, et al.	

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		US- 5,453,505	09-26-95	Lee et al.	
		US- 5,571,388	11-05-96	Patonay et al.	
		US- 5,648,270	07-15-97	Kuhn et al.	
		US- 5,616,502	04-01-97	Haugland et al.	
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